

Legislative Successes and Failures for Conservatism in 2010

This document highlights *some* of the legislative successes and failures for conservatism in the House in 2010. **This list is not intended to be exhaustive and is not written for mass circulation.**

Successes for Conservatism

- **H.R. 3726 - Castle Nugent National Historic Site Establishment Act of 2010 (Defeated 1/27/10).** The House defeated a bill on suspension (which requires a 2/3 vote majority) that is the poster child for unnecessary spending. The bill spends nearly \$50 million on federal land acquisition for beachfront property on a Caribbean Island when the unemployment rate is 10%. The bill is insulting to the taxpayer – even more so when most Americans do not have the luxury of taking an expensive family vacation to visit the site. The bill also undermines private property rights by not including safeguards to ensure private property owners giving up their land are “willing sellers;” thus allowing the National Park Service to possibly claim property from unwilling parties - resulting in eminent domain concerns for some conservatives. *The bill, unfortunately, was later passed during regular order of the House by a simple majority, but its failure to garner 2/3 votes is an indication that Democrats are pushing an irresponsible agenda.*
- **H.Con.Res. 248 – Afghanistan War Powers Resolution (Defeated 3/10/10).** The House defeated a resolution that would have used the War Powers Resolution of 1973 to direct the President to remove the United States Armed Forces from Afghanistan. This resolution undermines the mission of the U.S. and its allies in Afghanistan, demoralizes the troops and their families, and emboldens America’s enemies, who gain strength from American weaknesses, retreats, and failures. The passage of this resolution would have been seen as a retreat in the eyes of the terrorist enemy in Afghanistan and surrounding areas.
- **H.R. 5325 – America COMPETES Reauthorization Act of 2010 (Defeated 5/19/10).** The House defeated, on suspension, legislation that would have authorized \$48 billion, which is still almost double the cost of the original House passed version of the COMPETES Act in 2007 and a \$9.5 billion increase over the 2010 baseline budget. This does not take into account the approximately \$5 billion more spent under the “stimulus.” The 2007 COMPETES Act enacted approximately forty new programs; H.R. 5325 continues to include the creation of at least another six. *The bill, unfortunately, was later passed during regular order of the House by a simple majority, but its failure to garner 2/3 votes is an indication that Democrats are pushing an irresponsible agenda.*
- **Passing a Republican Motion to Recommit on H.R. 5019 – Home Star Energy Retrofit Act of 2010 (Passed 5/6/2010).** The MTR states that the provisions of

this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States. While the bill still passed, passage of the MTR states that the bill may not increase the budget deficit.

- **H.R. 1722 – Telework Improvements Act of 2010 (Defeated on suspension 5/6/10).** The bill requires each federal agency to create a Teleworking Managing Officer. Some agencies may not be of the size to which this position is needed. Creating such a position should be up to the discretion of the agency head and not required by law. Some conservatives may be concerned that teleworking—working from home or a remote locating—may disincentivize efficiency among federal employees and reduce the productivity of the federal government. *The bill is now scheduled to be considered on the floor under a rule, thus requiring only a majority to vote yes in order for the bill to pass.*
- **H.R. 4855, the Work-Life Balance Award Act (Defeated 6/15/10).** Among other things, H.R. 4855 would establish in the Department of Labor an annual “Work-Life Balance Award” for employers that have developed and implemented work-life balance policies; and establish within the Department of Labor a Work-Life Balance Advisory Board to administer the award. Some conservatives may find it inappropriate and patronizing for Congress to be creating new awards for work-life balance when so many Americans have no work to balance in the first place. At a time of nearly 10% unemployment, perhaps Congress should focus more energy on passing [legislation](#) that would encourage the private sector to create more work opportunities and worry less about lessons of life balance.
- **Pulling from floor consideration H.R. 795, the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act (6/10).** Due to conservative objections, the Democrats pulled from the floor a bill that would have created a federal commission on the profession of social work, the purpose of which is to make recommendations for future federal programs.
- **H.R. 5618 – Restoration of Emergency Unemployment Compensation Act of 2010 (Defeated on suspension 6/29/10).** This is a temporary extension of unemployment benefits without a full off-set that will add \$34 billion to the deficit. These benefits are designated “emergency” and can last up to 99 weeks, in spite of evidence that extended unemployment benefits create incentives to delay returning to work, negatively affecting the economy. *The bill, unfortunately, was later passed during regular order of the House by a simple majority, but its failure to garner 2/3 votes is an indication that Democrats are pushing an irresponsible agenda.*

Failures for Conservatism

- **H.R. 3254 - Taos Pueblo Indian Water Rights Settlement Act; H.R. 3342 - Aamodt Litigation Settlement Act, and H.R. 1065 - White Mountain Apache Tribe Water Rights Quantification Act of 2010.** The three bills authorize \$121 million, \$174 million, and \$292 million in an attempt to resolve outstanding Indian water rights claims. However, some conservatives have expressed concern that Congress lacks sufficient information to assess whether the authorization level of this bills are appropriate. Some conservatives have argued that prematurely reaching a settlement on the claims will increase U.S. liability than compared to existing law. The DOI testified in the Natural Resources Committee last year that they were: “concerned about the large Federal contribution in the trust fund and believe there should be further discussion with the parties about the activities included in this part of the settlement,” and could not support the bill at the time because of this and other concerns. Some conservative have stated that without transparent and consistent answers from the Administration, they cannot support H.R. 3254 – especially with the large amount of taxpayer funding necessary to reach a settlement. Congress should not spend hundreds of millions of American taxpayer dollars until there is sufficient information.

- **H.J.Res. 45 - Increasing the statutory limit on the public debt (Passed 2/4/10).** The joint resolution includes a 59.4% increase to the debt limit in three years. This legislation provides the sixth debt limit increase in three years. Should this legislation be enacted, over this period, the debt limit will have increased from \$8.97 trillion to \$14.29 trillion—an increase of \$5.33 trillion or 59.4%. The bill could also lead to tax increases by making it harder to maintain some tax cuts that exist under current law (of note the capital gains/dividend tax cuts and the lower 35% income tax rate). The threat of sequestration could be used by proponents of tax increases to try and force through higher taxes. The legislation does not impose any limits (even for spending increases above those assumed in CBO’s baseline) for the 40% of the federal budget that consists of discretionary spending.

- **H.R. 2314 - Native Hawaiian Government Reorganization Act of 2010 (Passed 2/23/10).** The bill would give native Hawaiians essentially the same sovereignty rights as an Indian tribe. This would, in effect, potentially grant upwards of 20% (400,000) of Hawaii’s population that identify themselves as “native Hawaiian” the ability to transfer lands, negotiate with other government entities, set their own criminal and civil jurisdictions, and be exempt from some taxation. However, native Hawaiians do not appear to meet either the Bureau of Indian Affairs’ seven current mandatory requirements or the Supreme Court’s own definition for recognition as an Indian tribe and the explicit Constitutional authority that grants Congress the power to recognize tribes does not extend that authority to arbitrarily designate racial groups as an Indian tribe. H.R. 2314 would subdivide Americans to different codes of law based on race or ethnicity, and according to a November 2009 Zogby Poll, *more than 50% of all Hawaiians oppose* the legislation.

- **H.R. 4247 – Preventing harmful Restraint and Seclusion in Schools Act (Passed 3/3/10).** This legislation mandates new standards on the restraint and seclusion of misbehaving students at public and private K-12 students. This unprecedented mandate on schools was the first time in American history that neighborhood religious and independent schools were forced to follow federal government training and certification requirements and came with a CBO estimated cost of \$337 million. It also will open schools to increased litigation from protection and advocacy agencies that will be permitted to investigate and enforce compliance with the bill.
- **H.R. 2847 – The HIRE Act (Passed 3/4/10).** This legislation increases taxes by \$14.3 billion on corporations and forces corporations to pay an additional \$31.3 billion sooner than previously required. H.R. 2847 also transfers \$47 billion over time to the Highway Trust Fund, which will likely increase the deficit by a corresponding amount.
- **H.R. 3650 – Harmful Algal Blooms and Hypoxia Research and Control Act (Passed 3/12/10).** The legislation establishes an algal bloom taskforce and maintains several other programs for control of harmful algal blooms. It includes top-down mandates on states and localities that are not consistent with federalism, and potentially unfunded mandates for those governments to follow federal government policies.
- **H.R. 3644 – Ocean, Coastal, and Watershed Education Act (Passed 3/19/10).** The bill authorizes two existing programs within the National Oceanic and Atmospheric Administration for K-12 students to learn about oceans, coasts, and watersheds. The bill establishes grant programs and is a further federal intrusion into education at a cost of \$80.6 million over 5 years.
- **H.R. 1612 – Public lands Service Corps Act of 2000 (Passed 3/20/10).** The bill expanded the authority of the Secretary of Interior to attract individuals to participate in the Public Land Service Corps. The Service Corps recruits 16 – 25 year old individuals to build trails, perform maintenance, rehabilitate campgrounds, restore historic structures, and eradicate invasive species. This legislation would expand their duties and provide job training, living allowances, and medical care in exchange for services. The bill authorizes \$150 million over the FY 2011-2014 period, and the CBO estimates that further implementation of the bill after 2015 would require a significant increase in funding.
- **H.R. 4872 – The Health Care & Education Affordability Reconciliation Act of 2010 (Passed 3/21/10).** The Democrat's health care reform legislation raises taxes by \$569.2 billion over ten years and has a total cost of \$1.2 trillion. For the 10 years after full implementation, the bill will cost \$2.64 trillion. The bill represents a government takeover of health care and is unconstitutional in its imposition of an individual mandate to purchase insurance deemed acceptable by the government. The bill fails to implement medical liability reform, funds

- abortion, and does not adequately address the need for verification of citizenship for benefits leaving the door open for illegal immigrants to receive coverage. H.R. 4872 increases individual's and families' insurance premiums and out of pocket costs, forces many Americans out of their existing health insurance plans, and bends the cost curve in the wrong direction. The legislation also includes a permanent takeover of the student loan industry by the federal government, potentially eliminating 30,000 jobs.
- **H.R. 4899 – Disaster Relief and Summer Jobs Act (Passed 3/24/10).** This legislation increases the deficit by over \$5 billion with appropriations to FEMA and \$600 million for summer jobs through Training and Employment Services. H.R. 4899 also provides \$20 million to the Small Business Administration for the Business Loans Program Account.
 - **H.R. 4849 – Small Business and Infrastructure Jobs Tax Act (Passed 3/24/10).** This legislation extends by one year, at a cost of \$2.5 billion, the Temporary Aid to Needy Families emergency fund that provides incentives for states to increase their welfare caseloads, undermining one of the primary strengths of the 1996 welfare reform law. It also increases taxes by \$42.7 billion over eleven years. It provides a new source of entitlement spending for low-income housing at a cost of \$2.3 billion over ten years.
 - **H.R. 1586 – Aviation and Safety Investment Act of 2010 (Passed 3/25/10).** This legislation increased aviation fuel taxes by various amounts and the Passenger Facility Charge by 56% - a cost to consumers of more than \$2 billion per year. It also includes additional mandates on local airports, protectionist measures endangering 130,000 U.S. jobs, and a provision mandating new contract negotiations with the air traffic controllers union, which CBO anticipates will cost \$1 billion over four years.
 - **H.R. 4851 – Continuing Extension Act of 2010 (Passed 4/15/10).** The bill extended several large and small programs through either the end of May or early June, including unemployment insurance, cobra benefits, and the “doc fix.” Democrats made no attempt to offset the legislation's cost, \$18.1 billion over ten years. It also did not address evidence that extending unemployment benefits can create incentives to delay returning to work, negatively affecting the economy.
 - **H.R. 2499 - Puerto Rico Democracy Act (Passed 4/29/10).** This legislation provides a federally sanctioned self-determination process for the people of Puerto Rico to determine the island's political relationship with the United States. The bill requires a direct vote in which the entire electorate is allowed to choose between whether Puerto Rico should “continue to have its present form of political status” or if Puerto Rico should “have a different political status.” If a majority chooses “different political status”, the Puerto Rican government is entitled to hold a second election with 3 options: independence, sovereignty in association with the U.S., and statehood. The second election would allow the

determination of Puerto Rico's political future without a majority vote, and any person who was born in Puerto Rico, whether they live there currently or not, would be allowed to vote in the election. All of this in spite of the fact that the last time Puerto Ricans were asked to vote on statehood, more than half of them voted to reject statehood.

- **H.R. 5019 – Home Star Energy Retrofit Act of 2010 (Passed 5/6/2010).** “Cash for Caulkers” is a \$6.6 billion dollar program for homeowners and contractors for energy efficiency upgrades of residential dwellings. It requires contractors who wish to participate in the program to have a certified workforce, determined in part by the Laborers’ International Union of North America. This new program is in addition to the \$10 billion appropriated in the stimulus for similar weatherization programs. It also relies on the Energy Star program, which the GAO found to be “vulnerable to fraud and abuse.” Finally, the legislation contains \$12 million for a public awareness campaign, when it can be safely assumed that with over \$6 billion available in government handouts, the private sector would do an adequate job of promoting the program.
- **H.R. 5116 – America COMPETES Reauthorization Act of 2010 (Passed 5/28/10).** This legislation authorizes a 31% increase over the budget baseline, to \$85.6 billion, in funding for American COMPETES programs established in 2007. It also expands the number of special programs by 7, in spite of the fact that several programs already exist to advance similar goals to those of the COMPETES programs. It also expands the federal government’s involvement in education and establishes regional “clusters” of innovation which allow nearly any economic sector, including advertising, to receive federal grants.
- **H.R. 5136 – FY 2011 National Defense Authorization Act (Passed 5/28/10).** This legislation does not address the Obama administration’s decision to withdraw from placing strategic missile defense sites in Europe. It also does not prohibit funds from being used to transfer or release prisoners held at Guantanamo Bay, Cuba into the U.S., or territories. An amendment was included that would eliminate the Don’t Ask, Don’t Tell policy of the U.S. military.
- **H.R. 4213 – American Workers, State, and Business Relief Act (Passed 5/28/10).** This legislation increases the deficit by \$54 billion over 10 years and had \$47.8 billion in tax increases. It also includes temporary tax relief, but permanent tax increases which helped hide the long-term tax burden resulting from the legislation. H.R. 4213 also extends by one year, at a cost of \$2.65 billion, the Temporary Aid to Needy Families emergency fund that provides incentives for states to increase their welfare caseloads, undermining one of the key principles of the 1996 welfare reform law. Also includes the expensive “doc fix” that was left out of the Democrats’ health care reform bill in order to assist them in hiding the full extent of spending necessary until that plan.

- **H.R. 5486 – Small Business Jobs Tax Relief Act (Passed 6/15/10).** The legislation has tax increases of \$3.6 billion over 10 years in an attempt to facilitate the passage of the \$33 billion dollar bailout bill, “TARP Jr.” It also includes a harmful corporate estimate tax payment shift gimmick that will harm companies through forced early tax payments.
- **H.R. 5297 – Small Business Lending Fund Act (Passed 6/17/10).** This legislation establishes a \$33 billion bailout fund for small businesses modeled on the TARP program. It requires participating institutions to make “use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that represent or work within or are member of minority communities.” It also establishes a program incentivizing State Small Business Credit Initiatives which rewards states for spending taxpayer funds instead of exercising restraint in spending which turns the concept of federalism on its head.
- **H.R. 5175 – Democracy is Strengthened by Casting Light on Spending in Elections (Passed 6/24/10).** This bill re-writes campaign finance laws in favor of Democrats right before elections. It mandates onerous disclosure requirements that can take up to 17 seconds of a 30 second ad and seriously limits the effect of the *Citizens United* Supreme Court decision. It also includes multiple disclosure and reporting requirements with huge costs that will deter citizen engagement. The legislation created a special, narrow carve-out for specific organizations intended to sway votes toward passage of the bill and shows significant favoritism toward unions over corporations. The bill becomes effective 30 days after enactment and does not allow sufficient time for the FEC to craft regulations on implementation.
- **H.R. 4173 – Restoring American Financial Stability Act (Passed 6/30/10).** This financial reform legislation fails to eliminate too-big-to-fail, does not address Fannie Mae or Freddie Mac, and delegates very broad authority to federal regulators with an unknowable shape and cost for the private-sector. The legislation creates a Consumer Financial Protection Bureau with broad powers of regulation that may be an unconstitutional delegation of powers by Congress and includes several other provisions creating new boards, councils, and positions. It establishes an Office of Minority and Women Inclusion in every federal financial agency to ensure and assess diversity in these agencies. Finally, the legislation increases taxes by \$13.5 billion over ten years and entitlement spending by \$10.2 billion over ten years.
- **H.R. 5618 – Restoration of Emergency Unemployment Compensation Act of 2010 (Passed 7/1/2010).** Democrats passed a temporary extension of unemployment benefits without a full off-set that will add \$34 billion to the deficit. These benefits are designated “emergency” and can last up to 99 weeks, in spite of evidence that extended unemployment benefits create incentives to delay returning to work, negatively affecting the economy.

- **H.R. 4899 – Supplemental Appropriations Act (Passed 7/1/2010).** This legislation includes the Democrat’s fake budget, the “deeming” resolution, and sets non-emergency discretionary spending in FY 2011 at \$1.121 trillion, \$30 billion more than FY 2010 and the highest level in U.S. history. It provides a \$10 billion bailout to states for teachers, which will eliminate the incentive for states to enact meaningful reforms. It also preempts state authority to regulate the collective bargaining rights of its state and local public safety employees – essentially unionizing them.